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Hartford Life and Accident
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The Hartford Benefit Management
Services and GDB Claims and
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UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

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JAMES WRIGHT, Plaintiff, -against- THE HARTFORD BENEFIT MANAGEMENT SERVICES; GDB CLAIMS AND SERVICES OPERATIONS; ABC 1-10 (that being the names of the corporate entities, companies, partnership or individuals intended), Defendants.	Civil No.: 2:11-cv-00602 Hon. Stanley R. Chesler, U.S.D.J. Hon. Michael A. Shipp, U.S.M.J. NOTICE OF MOTION FOR SUMMARY JUDGMENT

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PLEASE TAKE NOTICE that upon the Declaration of Juan M. Mendez dated November 1, 2011, and the exhibits annexed thereto, the Declaration of Daniel M. Meier, Esq. dated November 28, 2011 and the exhibits annexed thereto, the Declaration of Bruce Luddy dated November 7, 2011, the Rule 56.1 Statement of Material Facts, the Memorandum of Law in support, and the proposed order all simultaneously submitted herewith, defendant, Hartford Life and Accident Insurance Company s/h/a, The Hartford Benefit Management Services and GDB Claims and Services Operations (“Hartford”) by its attorneys, Sedgwick LLP, will move this Court, on a date and at a time set by the Court, before the Honorable Stanley R. Chesler, at the United States District Court, located at 50 Walnut Street, Newark, New Jersey, for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment: (1) dismissing

plaintiff's Complaint with prejudice on the grounds that Hartford's decision to deny the plaintiff's claim for continuing long term disability plan benefits under the Employee Retirement and Income Security Act of 1974 ("ERISA") §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), was not arbitrary and capricious; (2) dismissing plaintiff's state law claims as a matter of law because they are completely preempted by ERISA; (3) dismissing plaintiff's claim for breach of fiduciary duty under ERISA §502(a)(3) because ERISA §502(a)(1)(B) provides the exclusive remedy for claimants seeking to enforce rights to benefits under ERISA; and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Hartford requests oral argument.

Dated: November 28, 2011

Respectfully Submitted,

SEDGWICK LLP

s/ Daniel M. Meier

Michael H. Bernstein, *pro hac vice*

Daniel M. Meier (DM- 041942006)

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UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

JAMES WRIGHT, Plaintiff, -against-	Civil No.: 2:11-cv-00602 Hon. Stanley R. Chesler, U.S.D.J. Hon. Michael A. Shipp, U.S.M.J.
THE HARTFORD BENEFIT MANAGEMENT SERVICES; GDB CLAIMS AND SERVICES OPERATIONS; ABC 1-10 (that being the names of the corporate entities, companies, partnership or individuals intended), Defendants.	PROOF OF MAILING

1. I, Daniel M. Meier, am an associate with the law firm of Sedgwick LLP, attorneys for HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY s/h/a THE HARTFORD BENEFIT MANAGEMENT SERVICES and GDB CLAIMS AND SERVICES OPERATIONS.

2. I hereby certify that I mailed a sealed package with postage pre-paid, via regular mail addressed to:

Kevin T. Kutyla, Esq.
83 Spring Street
Newton, NJ 07860
(973) 940-8970
Attorney for Plaintiff

3. This package contained a copy of the defendant's Notice of Motion for Summary Judgment, which was filed with the court via ECF.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 28, 2011

s/ Daniel M. Meier

Daniel M. Meier, Esq. (DM- 041942006)